



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JDB/AB:JAG
F.#2005R00060

271 Cadman Plaza East
Brooklyn, New York 11201

December 15, 2008

VIA ELECTRONIC FILING

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Anthony Donato
Criminal Docket No. 03-929 (S-3) (NGG)

Dear Judge Garaufis:

The government respectfully writes to briefly address one factual aspect of the defendant Anthony Donato's sentencing in the above-referenced case. At Donato's urging, the Probation Department has amended Donato's presentence investigation report to note that with respect to the attempted murder of David Nunez, Donato's "primary role was as a driver." The government does not agree that Donato was simply a driver during that crime.

The government further notes, however, that this unsettled fact should have no bearing on Donato's ultimate sentence, insofar as the government and Donato have agreed that a total sentence of 25 years of imprisonment is the appropriate disposition of this case, and of case 05-CR-060 (NGG).

Respectfully submitted,

BENTON J. CAMPBELL
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cc: Defense Counsel (via facsimile)